IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

OP.No. 6548 of 2003(D)

PETITIONER:

SOUTHERN ISPAT LTD., 18/739-1,
SRIVATSAM, REPRESENTED BY ITS
GENERAL MANAGER, SHRI.UMESH SINGH.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS:

---

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM.

2. SPECIAL OFFICER (REVENUE),
VYDYUTHI BHAVANAM,
KERALA STATE ELECTRICITY BOARD,
PATTOM, THIRUVANANTHAPURAM.

3. ASSISTANT ENGINEER,
ELETRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
PARALY, PALAKKAD.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 11518 OF 2003 IN OP 6548 OF 2003

DISMISSED

2.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE EXTRACT FROM THE REGISTER DULY COUNTERSIGNED BY THE BOARD OFFICIALS.

EXT.P2 TRUE COPY OF THE DEMAND DATED 8.1.2003

EXT.P3 TRUE COPY OF THE LETTER DATED 13.1.2003

EXT.P4 TRUE COPY OF THE COMMUNICATION DATED 17.1.2003

EXT.P5 TRUE COPY OF THE PARALLEL METER READINGS.

EXT.P6 TRUE COPY OF THE LETTER DATED 18.1.2003

EXT.P7 TRUE COPY OF THE REPLY DATED 22.1.2003

EXT.P8 TRUE COPY OF THE DEMAND FOR THE MONTH OF JANUARY, 2003

RESPONDENTS' EXHIBITS:

EXT.R3(a) TRUE COPY OF THE CALCULATION SHEET FOR THE MONTH OF DECEMBER, 2002 SIGNED BY THE 3RD RESPONDENT.

EXT.R3(b) TRUE COPY OF THE LETTER NO. SIL/02-03/KSEB/526 DATED 5.12.2002 ISSUED BY THE PETITIONER TO THE ASST. EXE. ENGINEER, PARLI MAJOR SECTION, KSEB, PARLI.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 6548 OF 2003

Dated this the 2nd day of March, 2007

JUDGMENT

Petitioner is an Extra-High Tension consumer of electricity engaged in production of alloy steel. The industry is obviously power intensive unit and it's consumption is substantial which is reflected in the details of bills furnished by counsel for the petitioner. Bills for December, 2002 and January, 2003 are in dispute. While counsel for the petitioner contended that bills do not reflect actual consumption and bills raised based on estimated consumption are in dispute, counsel for the KSEB on the other hand submitted that KSEB maintained separate meter at the Sub Station and the said meter connected to the dedicated line given to the petitioner's industry shows for December, 2002 consumption of over 12 lakhs units whereas petitioner's meter recorded only above 8 lakhs units. From the pattern of consumption shown for subsequent periods it is seen that petitioner's consumption for most of the months is above 12 lakhs units. Therefore prima facie the consumption estimated by the KSEB is quite possible. Moreover, petitioner's Managing Director also informed the KSEB that TOD

meter installed in the company is also defective. So far as the subsequent monthly bill, which is disputed also, is concerned, the case of the KSEB is that petitioner has manipulated the meter to record lower consumption. If the meter is defective or manipulated, there is a procedure for estimation of actual consumption by referring to units recorded for subsequent periods, which is evident from the records and if there is necessity Board can get results by checking the meter during the operation of the plant. Since the disputes are only questions of fact and about the estimation of power consumption, I feel the appropriate authority is the appellate authority, namely, Executive Engineer to decide the matter.

W.P. is therefore disposed of with direction to the petitioner to file appeal before the Exe. Engineer against disputed bills which will be disposed of within six weeks from the date of filing the appeal after hearing the petitioner. Interim orders will remain in force for a period of two months from now and thereafter recovery will be based on fresh orders to be issued by the Executive Engineer.

(C.N.RAMACHANDRAN NAIR)
Judge